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15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

18 IN RE: CATHODE RAY TUBE (CRT)  
19 ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC  
MDL No. 1917

The Honorable Samuel Conti

20 This Document Relates to:

Individual Case No. 3:14-cv-02510

22 *ViewSonic Corporation v. Chunghwa*  
23 *Picture Tubes, Ltd. et al.*, No. 14-cv-02510

**DECLARATION OF ASTOR H. L.  
HEAVEN IN SUPPORT OF VIEWSONIC  
CORPORATION'S OPPOSITION TO  
CHUNGHWA'S ADMINISTRATIVE  
MOTION TO SHORTEN TIME FOR  
CHUNGHWA'S MOTION TO EXCLUDE  
EVIDENCE**

1 I, Astor H.L. Heaven, hereby declare as follows:

2 1. I am an attorney with the law firm of Crowell & Moring LLP, which represents  
3 ViewSonic Corporation ("ViewSonic") in the above-captioned action currently pending in the  
4 United States District Court for the Northern District of California. I am a member in good  
5 standing of the District of Columbia and Maryland bars, and am admitted to appear in this Court  
6 *pro hac vice* in *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-5944-SC, MDL  
7 No. 1917. The matters stated herein are true to my own personal knowledge, and, if called as a  
8 witness, I could and would competently testify thereto.

9 2. I submit this declaration in accordance with Civil Local Rule 6-3(b) to set forth facts in  
10 support of ViewSonic's Opposition to the Administrative Motion to Shorten Time (MDL Dkt No.  
11 3474) (the "Motion to Shorten") filed by Chunghwa Picture Tubes, Ltd. and Chunghwa Picture  
12 Tubes (Malaysia) Sdn. Bhd. (collectively, "Chunghwa"). The Motion to Shorten seeks to  
13 expedite the briefing schedule for Chunghwa's Motion to Exclude (MDL Dkt. No. 3473).

14 3. On December 23, 2014, ViewSonic filed an opposition to Chunghwa's motion for  
15 summary judgment, to which ViewSonic attached exhibits that included (i) publicly available  
16 documents from Chunghwa's and Tatung Company's websites and (ii) a declaration of a former  
17 Tatung employee attesting to the family relationships of Chunghwa's Chairman. Tatung and  
18 Chunghwa share a Chairman. The documents also provide publicly available information on the  
19 companies' board membership and corporate history, the roles and responsibilities of the  
20 companies' Chairmen, and information on corporate strategy.

21 4. On January 15, 2015, Chunghwa's counsel sent ViewSonic correspondence requesting that  
22 it withdraw the exhibits. A true and correct copy of this correspondence is attached hereto as  
23 Exhibit A.

24 5. On January 20, 2015, citing a lack of prejudice to Chunghwa, ViewSonic's counsel sent  
25 Chunghwa a letter informing it that ViewSonic would not withdraw the exhibits, but inviting  
26 further discussion on the topic to resolve the dispute. A true and correct copy of this  
27 correspondence is attached hereto as Exhibit B.

28 6. Chunghwa never responded to ViewSonic's invitation to engage in discussions on the

1 topic. On January 23, 2015, at 5:10 p.m., Chunghwa's counsel, however, confirmed that it would  
 2 file the Motion to Exclude, and, for the first time, requested that ViewSonic stipulate to an  
 3 expedited briefing schedule for the Motion to Exclude. Chunghwa requested an immediate  
 4 response to meet its January 23 deadline to file the Motion to Shorten. Given the lateness of  
 5 Chunghwa's request and the timing of the proposed briefing schedule, ViewSonic declined  
 6 Chunghwa's request. A true and correct copy of this correspondence is attached hereto as Exhibit  
 7 C.

8 7. The shortened time that Chunghwa proposes will prejudice ViewSonic's pretrial  
 9 preparations. It coincides with ViewSonic's narrow window to respond to the Defendants' pretrial  
 10 submissions, which include more than 240 volumes of deposition testimony and more than 1,500  
 11 exhibits. Defendants served these pretrial materials on January 22, 2015. ViewSonic's deadline  
 12 to respond to these pretrial disclosures is February 13, 2015. *See* MDL Dkt. No. 3182.

13 8. Chunghwa's expedited briefing schedule further coincides with the Special Master's Order  
 14 requiring ViewSonic to produce additional competitive intelligence discovery, including  
 15 producing documents, responding to interrogatories, and making a 30(b)(6) witness available  
 16 prior to trial in this matter. *See* MDL Dkt. No. 3401.

17 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
 18 and correct.

19  
 20 Executed this 27th day of January, 2015, in San Francisco, California.

21  
 22 /s/ Astor H.L. Heaven  
 23 Astor H.L. Heaven  
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